

## **AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

### **Listing Of Claims:**

1. (Currently Amended) A disposable container assembly suited for use as a child's drinking cup with a passive closure system, the assembly ~~comprises~~ being configured to be capable of being stacked with at least a second, substantially similar container assembly, the assembly comprising:

a container portion, a lid portion, and a hinge, which joins the container portion and the lid portion;

the hinge is joined to a location on a sidewall of the container portion and is also joined to the lid portion;

the lid portion is provided with a top surface, from which depends a skirt that extends around the perimeter of the top surface, the top surface is also provided with a drinking spout, which extends upward from the top surface;

the drinking spout is provided at its upper end with at least one opening;

the passive closure system consists of the opening in the lid that is sufficiently sized so that, when a liquid beverage is unintentionally positioned at the opening, the surface tension of the liquid beverage is sufficient so that the liquid beverage does not flow through the opening under normal conditions but when a person intentionally desires to drink from the container liquid beverage flows through the opening;

wherein an outer surface of the container portion of the assembly is configured to stack within an inner surface of a container portion of the second assembly when the lid portion of the assembly and a lid portion of the second assembly are in an open position; and

wherein an outer surface of the lid portion of the assembly is configured to stack within an inner surface of the lid portion of the second assembly when the lid portion of the assembly and the lid portion of the second assembly are in the open position and when the outer surface of the container portion of the assembly is stacked within the inner surface of the container portion of the second assembly.

2. (Withdrawn) A method for maintaining a pre-filled liquid beverage in a disposable container assembly suited for use as a child's drinking cup with a passive closure system comprising the step of:

- a) pre-filling the container assembly with the liquid beverage;
- b) closing a lid on the container, wherein the top surface of the lid is provided with a drinking spout, which extends upward from the top surface and wherein the drinking spout is provided at its upper end with at least one opening;
- c) using the passive closure system consisting of at least one opening in the drinking spout of the lid that is sufficiently sized so that, when the liquid beverage is unintentionally positioned at the opening, the surface tension of the liquid beverage is sufficient so that the liquid beverage does not flow through the opening;
- d) drinking from the drinking spout of the container assembly by a child;
- e) simultaneously, using the passive closure system so that when the child drinks from the container assembly, the surface tension of the liquid beverage is sufficiently overcome so that liquid beverage flows through the opening; and
- f) disposing of the container assembly after the pre-filled liquid beverage is emptied from the container assembly.

3. (Withdrawn) The method of claim 2 wherein the liquid beverage is water.

4. (New) The container assembly of claim 1, wherein the drinking spout is configured to substantially prevent unintentional leakage of the liquid beverage.

5. (New) The container assembly of claim 4, wherein the drinking spout is configured to substantially prevent unintentional leakage of the liquid beverage through the opening.